

## UNAPPROVED MINUTES

### COUNCIL MEETING

March 23, 2010

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on March 23, 2010, at 7:30 p.m., there being present all the members of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; William C. Maxwell, Assistant City Attorney; and A. K. Briele, III, Director of Electric Department; and the following business was transacted:

The March 8, 2010, regular meeting and work session minutes were approved as written.

The report by the City Manager of the City's activities for February 2010 was received and ordered filed.

The report by the Director of Finance of the City's financial status for a eight-month period ending February 28, 2010, was received and ordered filed.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider an ordinance on first reading to extend the franchise agreement between Appalachian Power Company, doing business as American Electric Power, and the City of Salem; notice of such hearing was published in the March 4 and 11, 2010, issues of The Roanoke Times, a newspaper having general circulation in the City of Salem; and

WHEREAS, the Director of Electric Department appeared before the Council and stated that Ken Brandt with AEP was also present; he stated that the current franchise agreement was developed in the mid 1990s; he stated that the Blue Ridge Power attorneys and the City Attorney have reviewed the agreement and he feels that it is in the City's best interest to renew the agreement for an additional five years; he stated that the franchise agreement allows AEP to operate facilities within the City of Salem; he further stated that AEP still feeds Yokohama Tire, the GE plant, and the VA Hospital; he stated that the agreement also allows the City to use AEP's poles, which is advantageous for both the City and AEP; and

WHEREAS, Councilman Jones questioned whether money was involved in the agreement; and

ITEM 1 ORDINANCE EXTENDING FRANCHISE AGREEMENT BETWEEN AEP AND THE CITY OF SALEM PASSED ON FIRST READING
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WHEREAS, the Director of the Electric Department stated that no money actually changes hands; he stated that the allowance of the use of AEP's poles is to the City's advantage; and

WHEREAS, Councilwoman Garst stated that this agreement does not affect Salem citizens' electric rates; and

WHEREAS, the Director of the Electric Department stated that it does not affect electric rates; and

WHEREAS, Lee Hall, 1724 Home Circle, appeared before the Council and stated that the agreement has been passed with Appalachian for power; he asked what is the proposal/schedule for the water and sewer rates; and

WHEREAS, Mayor Foley stated that he needs to come back before Council when the water and sewer rates were on the agenda; he stated that tonight was only about the use of AEP lines and poles and has nothing to do with water rates; and

WHEREAS, no other person(s) appeared related to the request;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, an ordinance entitled, "AN ORDINANCE AUTHORIZING THE EXTENSION OF THE FRANCHISE TO APPALACHIAN POWER COMPANY, DOING BUSINESS AS AMERICAN ELECTRIC POWER, FOR AN ELECTRIC LIGHT, HEAT, AND POWER TRANSMISSION AND DISTRIBUTION SYSTEM IN THE CITY OF SALEM, VIRGINIA" was hereby passed on first reading -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider an ordinance on second reading permanently vacating a certain remaining portion of a 10 foot +/- alley located at the intersection of Braxton Avenue across from Crystal Drive; ordinance was passed on first reading at the March 8, 2010, meeting;

ON MOTION MADE BY COUNCILWOMAN JOHNSON, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, an ordinance permanently vacating a certain remaining portion of a 10 foot +/- alley located at the intersection of Braxton Avenue across from Crystal Drive was hereby adopted on second reading -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 2  
ORDINANCE  
ADOPTED  
PERMANENTLY  
VACATING A  
CERTAIN  
REMAINING  
PORTION OF A 10  
FOOT +/- ALLEY  
LOCATED AT THE  
INTERSECTION OF  
BRAXTON AVENUE  
ACROSS FROM  
CRYSTAL DRIVE

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

ITEM 3  
NO ACTION TAKEN

THEREUPON, no action was taken.

There being no further business to come before the Council, the same on motion adjourned at 7:39 p.m.